



STATE OF NEW JERSEY

In the Matter of Walker Ristau,	:	FINAL ADMINISTRATIVE ACTION
Employee Relations Officer,	:	OF THE
Department of Law and Public Safety	:	CIVIL SERVICE COMMISSION
	:	
CSC Docket No. 2021-1234	:	
	:	
	:	Examination Appeal
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ISSUED: MAY 24, 2021 (RAM)

Walker Ristau appeals the determination of the Division of Agency Services (Agency Services), which found that he failed a qualifying examination for a demotional title of Employee Relations Officer.

By way of background, the appellant was permanent in the title of Personnel and Labor Analyst 3 (Class Code 27). He was appointed to the Employee Relations Officer (Class Code 26) title effective January 18, 2020, pending a demotional qualifying examination. Agency Services processed the qualifying examination to determine if the appellant possesses the necessary qualifications for the subject title. The education requirement for the subject title was a bachelor's degree from an accredited college or university. The experience requirements were four years of experience in employee relations work in a large public or private agency with emphasis on grievance handling, contract administration, and the administration and processing of employee disciplinary actions and appeals. Applicants who did not possess the required education could substitute experience as indicated on a year for year basis. In its January 12, 2021 determination, Agency Services found that the appellant met the educational requirement and credited him with one year and one month of experience he gained while serving in the subject title. The appellant did not receive credit for any other experiences listed on his application and resume. Therefore, it was determined that he lacked two years and 11 months of required experience.

On appeal, the appellant relies on his qualifying examination application and resume. In those documents, the appellant listed his work experiences as a Personnel and Labor Analyst with the New Jersey Civil Service Commission (Commission) from March 2013 to January 2020, Volunteer Attorney with the Department of Law and Public Safety from March 2012 to March 2013, Investigator/Legal Intern with the United States Department of Housing from December 2010 to May 2011 and Student Attorney with the William Mitchell Immigration Law Clinic from August 2010 to May 2011 as justification that he possesses the necessary experience.

CONCLUSION

N.J.A.C. 4A:4-7.8(c), regarding voluntary demotions, provides, in pertinent part, the employee shall be appointed pending examination and satisfactory completion of the working test period. An employee who fails the examination or is released at the end of the working test period shall be restored to his or her permanent title, unless disqualified for further employment. Further, *N.J.A.C.* 4A:1-1.2(c) states that the Commission may relax a rule for good cause in order to effectuate the purposes of Title 11A, New Jersey Statutes.

Based on the appellant's service as a Personnel and Labor Analyst dating back to 2013, which primarily involved working on appeals and various labor relations and other employment issues in the Commission's Division of Appeals and Regulatory Affairs, and the fact that he continues to serve in the subject title, the Commission is satisfied that that under these circumstances, there is good cause to relax the provisions of *N.J.A.C.* 4A:4-7.8(c) and accept the totality of the appellant's experience as applicable for the subject examination. Therefore, the appellant should be considered as passing the qualifying examination.

This determination is limited to the instant matter and does not provide precedent in any other matter.

ORDER

Therefore, it is ordered that this appeal be granted.

This is the final administrative determination in this matter. Any further review should be pursued in a judicial forum.

DECISION RENDERED BY THE
CIVIL SERVICE COMMISSION ON
THE 19TH DAY OF MAY, 2021

Dolores Gorczyca

Dolores Gorczyca
Member
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